

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

AARON L. HARTMAN Plaintiff  v.  NATIONAL BOARD OF MEDICAL EXAMINERS, Defendant <hr/>	Civil Action 09-5028
--	----------------------

**PLAINTIFF'S MOTION FOR EXTENTION OF TIME  
TO RESPOND TO DEFENDANT'S MOTION FOR  
PARTIAL STAY AND FOR EXPEDITED BRIEFING**

Plaintiff, Aaron Hartman, by his undersigned attorney, hereby moves this Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure to extend the time period to respond to Defendant's Motion for a Partial Stay to April 12, 2010. It is further requested that the Defendant's request for expedited briefing is denied.

In support of this Motion, Plaintiff respectfully relies on and incorporates by reference the accompanying Memorandum of Law.

Respectfully submitted

By:                     /S/                    

Charles Weiner, Esquire  
PA Attorney I.D. #52926  
Counsel for Aaron Hartman  
179 North Broad Street  
Doylestown, PA 18901  
215-348-4283  
(FAX) 215-340-2412  
e-mail: charles@charlesweinerlaw.com

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

AARON L. HARTMAN Plaintiff  v.  NATIONAL BOARD OF MEDICAL EXAMINERS, Defendant	Civil Action 09-5028
---	----------------------

**MEMORANDUM OF LAW  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME TO RESPOND  
TO DEFENDANT'S MOTION FOR  
PARTIAL STAY AND FOR EXPEDITED BRIEFING**

Plaintiff, Aaron Hartman files this Memorandum of Law in Support of Plaintiff's Motion for Extension of Time to Respond to Defendant's Motion For Partial Stay.

Local Rule of Civil Procedure 7.1 (c) requires that a party opposing a motion file its response within fourteen (14) days after service of the motion. Defendant's Motion for Partial Stay was filed on March 24, 2010. Accordingly, Plaintiff's response is due by April 7, 2010. Plaintiff is requesting an extension of five days, April 12, 2010 to file his response.

Fed.R.Civ.P 6(b)(1) provides: "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires...." Plaintiff's request for a modest extension is based on good cause.

Attached hereto is a Declaration from Plaintiff's Counsel and annexed Exhibits setting forth the reason for the modest extension of time to respond. As noted in the Declaration,

Plaintiff's counsel has prepaid, prearranged flights with his family to Florida from March 28, 2010 to April 6, 2010. Plaintiff's counsel will be visiting his parents who reside in Palm Beach Gardens. Plaintiff's counsel found out two weeks ago, that his 88 year old father was diagnosed with cancer. Accordingly, plaintiff's counsel decided to extend his original trip to April 6 to allow for him and his family to spend more time with his father.

Plaintiff's counsel is requesting six full days after his return from Florida to file a response to Defendant's Motion for Partial Stay.

It is further urged that this Court deny Defendant's request for an expedited briefing. Defendant requests the Plaintiff file a Response within five (5) days. However, Defendant provides no rationale for its request. There is indeed no reason for substantially reducing the time to respond provided under Local Rule 7.1. As noted in Defendant's Motion, the requested stay seeks to suspend release of the score due May 15, from Plaintiff's March 31 –April 2 administration of the USMLE Step 2 Clinical Skills examination. Since the March 23, 2010 Order from which Defendant seeks a partial stay does not require the score released until May 15, there is no reason to require a response to Defendant's Motion by March 29 as proposed. In contrast, Plaintiff's request for an extension requires a response by April 12, 2010. This Court will still have over thirty days to render a decision before the May 15 release date.

Furthermore, it is disingenuous that Defendant is now seeking to expedite matters. In this Court's March 9, 2010 Memorandum decision, it stated, "[t]he parties are to cooperate in drafting a joint proposed order implementing this memorandum and submit it to the court no later than Friday, March 12, 2010." Primarily as a result of Defendant's conduct and antics, the joint order was not submitted to the Court until March 22, 2010. While the parties were attempting to submit the joint Order, Defendant argued to allow its reporting of the score administration to disclose information about this law suit. Defendant also argued that Plaintiff should be required to pay the \$1000.00 testing fee for the additional administration of the

examination that Defendant was requesting. (See letters to the Court dated March 16-18, 2010).

This Court ultimately rejected Defendant's requests.

For the foregoing reasons, Plaintiff requests an extension of time until April 12, 2010, to respond to Plaintiff's Motion for a Partial Stay and further urges this Court to reject Defendant's request for an expedited briefing.

Respectfully submitted

By: \_\_\_\_\_/S/\_\_\_\_\_

Charles Weiner, Esquire  
PA Attorney I.D. #52926  
Counsel for Aaron Hartman  
179 North Broad Street  
Doylestown, PA 18901  
215-348-4283  
(FAX) 215-340-2412  
e-mail: charles@charlesweinerlaw.com